

Mr. Rainey moved to suspend the business before the

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House, and take up the message of His Excellency the Governor, vetoing House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," which motion carried, and the message was read and ordered spread upon the journal.

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, May 1, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives of the State of Texas:

SIR: I return to the House of Representatives, where it originated, the act entitled, "An act to ascertain the amounts due the teachers of the public schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same," and ask that it be reconsidered.

There is a constitutional objection to the terms of this act that in itself renders the act void. The money herein appropriated is declared in section one to be "out of the available school fund. Now, the only available school fund we have is that derived from interest on the permanent school fund. and the income derived from from taxation for school purposes; but the Constitution, in section nine, article nine, expressly directs that the Legislature shall annually appropriate the money on hand from these sources to be equally distributed among all the scholastic population of the State. The money appropriated in this act is not intended to be distributed according to scholastic population. On the contrary, the wording of sections one, three and five, taken in connection with the fact that a provision originally in the act (as I am informed) directing such distribution was stricken out, makes it apparent that this money is not to be thus distributed, but is to be paid out at Austin, without regard to the rights of the respective school districts.

This misappropriation of the school fund should certainly not be permitted by the Legislature. It is manifestly unfair that the people of certain counties where the payment of the school tax has been evaded, and where, therefore, the teachers have not been paid, should be permitted to make up the deficiency out of that part of the available fund which of right belongs to counties where

the people have paid the tax, and thus owe nothing to their teachers. That Travis county, for instance, where wealthy people have evaded the tax by taking advantage of legal technicalities, and which is thus upwards of twenty-two thousands of dollars short in what is due its teachers, should take the quota of the school fund belonging to Williamson, Upshur, or Matagorda, where the people have promptly paid their tax, and thus owe nothing. This would be a species of injustice not to be supposed to have been within the contemplation of the Legislature in the passage of this act, yet the act can only be so construed.

Beyond this defect, however, there is another and very suspicious feature of the act, which must have been overlooked by the Legislature. It will be perceived that section four lays down a number of regulations which must be complied with by teachers before they can draw any pay under it. The numerous prerequisites are so many obstacles in the way of the teacher, that it is doubtful whether any considerable number of them would ever succeed in getting the Comptroller to pay their accounts; but not so with the speculator who has preyed upon the necessities of the teacher. By the interpolation of the brief proviso in that section four, that an approved voucher in accordance with the law now in force shall be taken as the account herein provided for, it is plain that the speculator who has, perhaps, purchased some starving teacher's approved voucher at a discount of twenty five or fifty per cent., is not to be put to any delay about the cashing of the voucher, while the teacher himself, if he has kept his voucher, may be sent to a distant part of the State, and be put to a delay of months in getting proof of service called for in that section.

When it is understood that the amount due teachers throughout the State, up to the first of March, is upward of \$600,000 (not \$400,000 as appropriated by this act), that the amount of available school fund, in cash now in the Treasury, to be distributed is considerably less than \$300,000, and that this act leaves it entirely within the discretion of the Comptroller to say who shall or shall not be paid, it will be apparent how wide the door is open to speculation and fraud, and how slight the prospect that the teachers will get any relief from this act.

But, though this act is impracticable and objectionable,

it need not stand in the way of a legitimate appropriation of the available school fund. The amount on hand should be distributed to the districts at once, there to be used in paying teachers and other expenses. The apportionment should be made by the Superintendent according to the ratio of the last scholastic census, and the act of appropriation might provide that vouchers in teachers' hands or in the hands of those who have paid the teachers at par for them should have a preference in payment.

I therefore request, if these suggestions be favorably considered, the early passage of such an act. The teachers may thereby, within a few days, receive substantial relief to the extent of the money in the Treasury.

Very respectfully,

EDMUND J. DAVIS, Governor.